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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-527

12 **HOLLY LEONARD TILLEY**
13 **a.k.a. HOLLY KRISANA TILLEY**
14 **a.k.a. HOLLY LEONARD**
15 15454 Sherman Way, Apt. 4-229
Van Nuys, CA 91406

A C C U S A T I O N

16 Registered Nurse License No. 735708

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about August 29, 2008, the Board of Registered Nursing issued Registered
25 Nurse License Number 735708 to Holly Leonard Tilley, a.k.a. Holly Krisana Tilley a.k.a. Holly
26 Leonard (Respondent). The Registered Nurse License was in full force and effect at all times
27 relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

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"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

REGULATORY PROVISIONS

14. California Code of Regulations, title 16, section 1444, states:

AA conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare...”

DEFINITIONS

15. **Hydromorphone/Dilaudid** - Dilaudid is a Schedule II controlled substance pursuant to Health and Safety Code Section 11055 and is a dangerous drug within the meaning of Business and Professions Code section 4211, subdivision (a). Dilaudid is a brand name for the narcotic analgesic Hydromorphone. It is used for the relief of severe pain.

16. **Omnicell System** - The Omnicell System is a computerized automated medication dispensing system, which operates similarly to an Automated Teller Machine (ATM) at a bank. The Omnicell medication dispensing machines are serviced by the facility's pharmacy. Medications are placed in the machines, which are usually stationed throughout the hospital. These medications can only be accessed, or withdrawn by an authorized staff person using their own unique personalized access code. Each medical professional at the hospital is assigned an account number and unique access code number. The system will not permit the use of a PIN code that has been used by any former employee, or is being used by any other current employee. After entering their own unique PIN code and each time the system is accessed using that PIN code, the person making access is identified and a database record of the transaction is made; which is similar to the ATM withdrawal of funds from a bank account. The system specifically records the following:

- (1) The identities of medical personnel, who have accessed the identified medications.
- (2) The identities of the patients that the medications were allegedly withdrawn on behalf of and administered to.

1 (3) The date/time the medications were withdrawn by the identified employee.

2 The system records the time and date of access, and is able to provide a record of the drugs
3 being accessed by the employee via the patient's name, the patient's ID number; the identity of
4 the medical facility's employee making access; the name and quantity of the drug accessed; and
5 location of the particular dispensing unit accessed.

6 CAUSES FOR DISCIPLINE

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Obtaining Controlled Substances by Fraud, Deceit, Misrepresentation or Subterfuge)**

9 17. Respondent is subject to disciplinary action under Business and Professions Code
10 section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and
11 Professions Code section 2762, subdivisions (a) and (b), for violating Health and Safety Code
12 sections 11170, 11171 and 11173 , subdivision (a) and 11350 on dates approximately between
13 March 2011 and October 9, 2011, in that while employed as a registered nurse at St. John's
14 Health Center, Respondent obtained, possessed and self-administered controlled substances and
15 dangerous drugs, by use of fraud, deceit, misrepresentation and/or subterfuge on multiple
16 occasions, as follows:

17 A. At all times relevant herein, Respondent was employed as a registered nurse at St.
18 John's Health Center (St. John's), assigned to the Emergency Room as a day charge nurse.

19 B. St. John's uses **Omniceil**, a computerized automated medication dispensing
20 system, which operates similarly to an Automated Teller Machine (ATM) at a bank.

21 **Admissions of Respondent in Post-Arrest Interview**

22 C. On or about October 9, 2011, at 2011 hours (8:11 pm) Covina Police Department
23 officers stopped a vehicle in which Respondent was a passenger for routine traffic violations.
24 Officers determined the driver was in possession of marijuana and driving without a valid license;
25 and that Respondent had three outstanding warrants for her arrest. Respondent was wearing blue
26 hospital scrubs. Search of Respondent's pockets and purse disclosed the following items:

27 (1) three (labeled) vials of Hydromorphone ;

28 (2) six (6) syringes in unopened packaging;

1 (3) three (3) syringes which had been removed from the packaging and appeared to
2 have been used.

3 Four additional syringes were found in the trunk of the vehicle. Officers further observed
4 that Respondent had track marks consistent with injection of narcotics on her right arm where the
5 arm bends.”

6 D. Respondent made the following admissions to arresting officers, after being taken
7 into custody, and advised of her Miranda rights:

8 (1) Respondent admitted that she had ‘just left work’ and had stolen the three vials of
9 Hydromorphone in her possession at the time of her arrest from St. John’s Emergency
10 Room approximately 2 hours earlier (on October 9, 2011 at approximately 1800 hours
11 (6:00 pm)).

12 (2) Respondent admitted that between March of 2011 and the time of her arrest
13 (approximately 7 months) she routinely stole Hydromorphone from St. John’s for self-
14 administration - estimating she diverted “three to four vials at a time.”

15 (3) She also routinely stole hypodermic needles, which she used to inject the drug.

16 (4) Respondent stated she self-administered the drug, to cope with chronic pain
17 resulting from an injury when she was 17 years old. .

18 **Audit of Respondent’s Omnicell Withdrawals at St. John’s**

19 E. An audit of Respondent’s Omnicell activity during a selected audit period
20 (September 15, 2011 through October 9, 2011) by St. John’s staff following Respondent’s arrest
21 on October 9, 2011, resulted in the discovery of many irregularities and multiple instances of
22 apparent diversion by Respondent. A total of 43 mg of Hydromorphone is unaccountable based
23 on this audit, as follows:

24 (1) **PATIENT “A”**

25 According to the records, no order was found for Dilaudid (Hydromorphone) after 0930
26 hours on 9/15/11. However, per Respondent’s Omnicell activity report, on 9/15/11 @
27 1418 hours, she removed (1) Hydromorphone 2 mg syringe for the patient. No record
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found indicated that she administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

(2) **PATIENT "B"**

According to the records, there is no order for Dilaudid. However, per Respondent's Omnicell activity report, on 9/15/11 @ 1826 hours, she removed (1) Hydromorphone 2 mg syringe for the patient. No record found indicated that Respondent administered or wasted the remaining medication. **Hydromorphone 2 mg unaccountable.**

(3)¹ **PATIENT "D"**

According to the records, there is an order for Dilaudid 1 mg one time on 9/8/11 @ 1400 hours. Per Respondent's Omnicell activity report, @1434 hours, she removed (1) Hydromorphone 2 mg syringe for the patient. The patient's MAR reflect that a nurse identified as "RS" administered the patient Dilaudid 1 mg @ 1515 hours. No record found indicated that Respondent administered or wasted the remaining medication. **Hydromorphone 1 mg unaccountable.**

(4) **PATIENT "E"**

According to the records, there is no order for Dilaudid after 1110 hours on 9/18/11. However, per Respondent's Omnicell activity report on 9/18/11 @ 1908 hours, she removed (1) Hydromorphone 2 mg syringe. No record found indicated that she administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

(5) **PATIENT "F"**

According to the records, there is no order for Dilaudid. However, per Respondent's Omnicell activity report on 9/22/11 @ 1522 hours, she removed (1) Hydromorphone 2 mg syringe. No record found indicated that she administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

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¹ "Patient C" is purposely omitted.

1 (6) PATIENT "G"

2 According to the records, there is no order for Dilaudid. However, per Respondent's
3 Omnicell activity report on 9/22/11 @ 1824 hours, she removed (1) Hydromorphone 2 mg
4 syringe. No record found indicated that she administered or wasted the medication.

5 **Hydromorphone 2 mg unaccountable.**

6 (7) PATIENT "H"

7 According to the records, there is no order for Dilaudid. However, per Respondent's
8 Omnicell activity report on 9/30/11, she removed (1) Hydromorphone 2 mg
9 syringe and @1918 report, on 9/30/11 @ 1629 hours, she removed (1) Hydromorphone
10 2 mg syringe for the patient. No record found indicated that she administered or wasted the
11 medication. **Hydromorphone 4 mg unaccountable.**

12 (8) PATIENT "I"

13 According to the records, there was an order for Dilaudid 1 mg one time on 10/1/11 @
14 1050 hours. However, the patient refused all medications. Per Respondent's Omnicell
15 activity report on 10/1/11 @ 1052 and 1252 hours, she removed (1) Hydromorphone 2 mg
16 syringe for the patient. No record found indicated that she administered or wasted the
17 medication. **Hydromorphone 4 mg unaccountable.**

18 (9) PATIENT "J"

19 According to the records, there is no order for Dilaudid. However, per Respondent's
20 Omnicell activity report, on 10/1/11 @ 1751 hours, she removed (1) Hydromorphone 2 mg
21 syringe for the patient. No record found indicated that Respondent administered or wasted
22 the medication. **Hydromorphone 2 mg unaccountable.**

23 (10) PATIENT "K"

24 According to the records, there is no order for Dilaudid. However, per Respondent's
25 Omnicell activity report, on 10/1/11 @ 1908 hours, she removed (1) Hydromorphone 2 mg
26 syringe for the patient. No record found indicated that Respondent administered or wasted
27 the medication. **Hydromorphone 2 mg unaccountable.**

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1 (11) PATIENT "L"

2 According to the records, there is an order for Dilaudid 2 mg. Per Respondent's Omnicell
3 activity report in 10/9/11 @ 1637 hours, she removed one (1) Hydromorphone 2 mg syringe
4 and @ 1903 hours, she removed (1) Hydromorphone 2 mg syringe for the patient.
5 However, the patient's assigned nurse, identified as "HS", removed and administered the
6 Dilaudid 2 mg. No record found indicated that Respondent wasted the Dilaudid 2 mg doses
7 she removed. **Hydromorphone 4 mg unaccountable.**

8 (12) PATIENT "M"

9 According to the medical records, there is an order for Dilaudid 1mg one time 9/16/11 @
10 1300 hours. Per Respondent's Omnicell activity report in 9/16/11 @ 1259 hours, she
11 removed (1) Hydromorphone 2 mg syringe for the patient. The records reflect that another
12 nurse administered the ordered Dilaudid 1 mg. No record was found indicating that
13 Respondent wasted the remaining medication. **Hydromorphone 1 mg unaccountable.**

14 (13) PATIENT "N"

15 According to the records, there is **no order** for Dilaudid. However, per Respondent's
16 Omnicell activity report on 9/16/11 @ 1741 hours, she removed (1) Hydromorphone 2mg
17 for the patient. No record indicated that she administered or wasted the medication.
18 **Hydromorphone 2 mg unaccountable.**

19 (14) PATIENT "O"

20 According to the records, there is an order for Dilaudid 1 mg Per Respondent's Omnicell
21 Activity report on 9/16/11 @ 1924 hours, she removed (1) Hydromorphone 2 mg syringe
22 for the patient. No record found indicated that Respondent administered or wasted the
23 medication. **Hydromorphone 1 mg unaccountable.**

24 (15) PATIENT "P"

25 According to the records, there is no order for Dilaudid. However, per Respondent's
26 Omnicell activity report, on 9/18/11 @ 1802 hours, she removed one (1) Hydromorphone
27 2 mg syringe for the patient. No record found indicated that Respondent administered or
28 wasted the medication. **Hydromorphone 2 mg unaccountable.**

1 (16) PATIENT "Q"

2 According to the records, there is no order for Dilaudid. However, per Respondent's
3 Omnicell activity report, on 10/1/11 @ 1842 hours, she removed one (1) Hydromorphone
4 2 mg syringe for the patient. The patient was discharged on 10/4/11 @1750 hours. No
5 record was found indicating that Respondent administered or wasted the medication.
6 **Hydromorphone 2 mg unaccountable.**

7 (17) PATIENT "R"

8 According to the records, there is no order for Dilaudid. However, per Respondent's
9 Omnicell activity report, on 10/5/11 @ 1523 hours, she removed one (1) Hydromorphone
10 2 mg syringe for the patient. No record was found indicating that Respondent
11 administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

12 (18) PATIENT "S"

13 According to the records, there was no order for Dilaudid. However, per Respondent's
14 Omnicell activity report, on 10/5/11 @ 1906 hours, she removed one (1) Hydromorphone
15 2 mg syringe for the patient. No record was found indicating that Respondent
16 administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

17 (19) PATIENT "T"

18 According to the records, there is an order for Dilaudid 1 mg on 10/9/11 at 1650, 1825 and
19 2050 hours. The records reflect that Dilaudid 1 mg was removed and administered to the
20 patient by different nurses, other than Tilley, at 1710, 1825 and 2100 hours. Per
21 Respondent's Omnicell activity report, on 10/9/11 @ 1908 hours, she removed one (1)
22 Hydromorphone 2 mg syringe for the patient. No record found indicated that Respondent
23 administered or wasted the medication. **Hydromorphone 2 mg unaccountable.**

24 (20) PATIENT "U"

25 According to the records, there was no order for Dilaudid. However, per Respondent's
26 Omnicell activity report, on 10/1/11 @ 1908 hours, she removed one (1) Hydromorphone
27 2 mg syringe for the patient. No record found indicated that Respondent administered or
28 wasted the medication. **Hydromorphone 2 mg unaccountable.**

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Grossly Incorrect or Inconsistent Hospital Records)**

3 18. Respondent is subject to disciplinary action under Business and Professions Code
4 section 2762, subdivision (e) on grounds of unprofessional conduct, in that while employed as a
5 registered nurse at St. John's Health Center on dates approximately between March 2011 and
6 October 9, 2011, Respondent falsified, made grossly incorrect, grossly inconsistent, or
7 unintelligible entries in hospital and patient records pertaining to controlled substances and
8 dangerous drugs on records of 20 patients A, B, D through U as described more fully in paragraph
9 17 above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use of Controlled Substance(s) to the Extent That Use Impairs Safety)**

12 19. Respondent is subject to disciplinary action under Business and Professions Code
13 section 2762, subdivision (b) on the grounds of unprofessional conduct, in that Respondent has
14 used controlled substances to an extent or in a manner dangerous to herself or any other person
15 or the public, or to the extent that such use impairs her ability to conduct with safety the practice
16 authorized by her license, by reason of the following facts:

17 **A. Arrested After Theft and Self-Administration of Stolen Drugs**

18 On or about October 9, 2011, Respondent was arrested while in possession of three
19 (labeled) vials of Hydromorphone which she admitted were stolen from St. John's Health Center
20 for self administration. Criminal charges based on this misconduct are pending.

21 **B. Admitted Routine Diversion to Support Habitual Drug Use**

22 By her own admission and as previously alleged at paragraph 17, during the seven month
23 period between approximately March of 2011 and October 9, 2011, while employed at St. John's
24 Health Center, Respondent habitually self-administered Hydromorphone to control pain from a
25 chronic injury "on workdays," and acquired the drug by stealing it from St. John's. Respondent
26 estimated she diverted "three to four vials at a time" during this period.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crime)**

3 20. Respondent is subject to disciplinary action under sections 490 and 2761, in
4 conjunction with California Code of Regulations, title 16, section 1444, in that on or about
5 October 25, 2011, Respondent was convicted of a crime substantially related to the functions or
6 duties of a registered nurse which to a substantial degree evidence her present or potential
7 unfitness as a registered nurse to practice in a manner consistent with the public health, safety or
8 welfare. The circumstances are as follows:

9 **DRIVING WITHOUT A LICENSE – 2011**

10 A. On or about October 25, 2011, pursuant to a plea agreement, Respondent was
11 convicted on her plea of nolo contendere of one misdemeanor count of violating Vehicle Code
12 section 12500 (A) [driving without a license] in the criminal proceeding entitled *People of the*
13 *State of California v. Holly Krisana Tilley* (Super. Ct. Los Angeles County, 2011, No.1JB05540.
14 The court suspended sentencing, but placed Respondent on summary probation for 1 year, under
15 specified terms and conditions.

16 B. On or about April 20, 2012 the Court issued a bench warrant for Respondent's
17 arrest, based on finding that Respondent failed to comply with the conditions of her summary
18 probation order. That arrest warrant was still outstanding at time of filing this accusation.

19 C. The circumstances underlying the conviction are that on or about May 14, 2011,
20 Respondent was cited by Los Angeles County Sheriff's Department officers (San Dimas Station)
21 for driving a vehicle without valid registration and without a valid driver's license. Respondent
22 was further cited for unlawful possession of marijuana while driving.

23 **OTHER MATTERS**

24 21. In order to determine the degree of discipline, if any, to be imposed on
25 Respondent, Complainant alleged the following:

26 A. **Felony Charges Pending**

27 On or about July 17, 2012 Respondent was formally charged with 23 felony counts related to
28 illegal possession of Hydromorphone, a controlled substance, on dates between October 4, 2011


1 and September 30, 2011, in violation of Health and Safety Code section 11173 (A) [Obtaining
2 Controlled Substances by Fraud] and Business and Profession Code section 11350 (A) [Unlawful
3 Possession Controlled Substance] in the criminal proceeding entitled *People of the State of*
4 *California v. Holly Krisana Tilley a.k.a. Holly Leonard* (Super. Ct. Los Angeles County, 2012,
5 No.SA081309. Respondent failed to appear on July 17, 2012, and an arrest warrant was issued by
6 the Court. That warrant was still outstanding at time of filing this accusation.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 735708, issued to Holly
11 Leonard Tilley, a.k.a. Holly Krisana Tilley, a.k.a. Holly Leonard;
- 12 2. Ordering Holly Leonard Tilley, a.k.a. Holly Krisana Tilley, a.k.a. Holly Leonard to
13 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
14 this case, pursuant to Business and Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: DECEMBER 27, 2012

17 
18 LOUISE R. BAILEY, M.ED., RN
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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